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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,233	07/02/2003	Russell Bonaventura	LEAP:123US	1232
24041	7590	05/11/2005		
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			EXAMINER NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	
DATE MAILED: 05/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/604,233

Applicant(s)

BONAVENTURA, RUSSELL

Examiner

Thong Q. Nguyen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in respond to the amendment of 2/16/2005. It is noted that in the mentioned amendment, applicant has made changes to the specification, the drawings and the claims.

Regarding to the claims, applicant has amended claims 1 and 9 and added a new set of claims, i.e., claims 17-20, into the application. A review of the newly-added claims has resulted that the device of the newly-added claims has the same scope as that claimed in the amended claims and thus all pending claims 1-20 are examined in this Office action.

Drawings

2. The drawing contained corrected fig. 2 was received on 2/16/05. The corrected drawing is approved by the Examiner.

Specification

3. The lengthy specification which is amended by the amendment of 2/16/2005 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Allowable Subject Matter

4. The indicated allowability of claims 12-15 is withdrawn in view of the newly discovered reference(s) to the prior art described in the Japanese reference No. 10-311952. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-3, 8-11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohsaki et al (U.S. Patent No. 5,691,841).

Ohsaki et al disclose a microscope having a microscope stage (7) having a central opening and an assembly (6) attached to the microscope stage (7) wherein the assembly (6) comprises a housing for supporting an inner sleeve (21) which is rotated inside the housing via an operation of a motor (24). It is also noted that the Ohsaki et al also disclose a shelf (20) extending transversely inside the sleeve for alignment the inner drum about the optical axis (see columns 3-4). The section of the assembly covering the sleeve (21) is a flange defining a hole for receiving a motor, an encoder and a gear (23) which are in combination acts as a fastener for fastening the motor to the assembly (6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art described in the Japanese reference No. 10-311952 in view of Adachi et al (U.S. Patent No. 6,560,012) and Nakamura (U.S. Patent No. 4,955,702, of record).

The prior art as described in section [0004] and shown in fig. 10 disclosed in the Japanese reference '952 comprises a housing (203) having flange for receiving a fastener (204) and a helical groove (203b) for receiving and supporting an inner sleeve (201) wherein a pin (202) is formed on the sleeve for engaging and moving along the helical groove (203b) of the housing (203) via a rotation of the inner sleeve(201). It is noted that the groove (203b) comprises two sections in which one section extends in a vertical direction and a second section extends in a horizontal direction. Regarding to the feature that the pin is threaded into the sleeve, such a feature is known to one skilled in the art for making a threaded hole in the sleeve and then screwing a threaded pin into the threaded hole formed on the sleeve.

There are two things missing from the device provided by the prior art is that it does not clearly state that the housing is attached to a stage of a microscope and it does not clearly state that the inner sleeve has a shelf extending transversely within the sleeve.

Regarding to the attachment of the housing to a microscope stage, while the prior art does not clearly state that the housing (203) is attached to a microscope stage; however, such an attachment is an obvious matter to one skilled in the art as can be seen in the system provided by Adachi et al. In particular, Ohsaki et al disclose a microscope having a microscope stage (2) and a condenser assembly (9) attached to the microscope stage (2) and extended below the stage. See column 3 and fig. 1. Thus, it would have been obvious to one skilled in the art at

the time the invention was made to attach the housing supporting a rotatable inner sleeve as provided by the prior art describe din the Japanese reference '952 to a microscope stage as suggested by Adachi et al for the purpose of securing the condenser lens system to the stage.

The combined product provided by the prior art and Adachi et al does not clearly disclose that a shelf is located and extended transversely inside the inner sleeve. However, such a feature is known to one skilled in the art because a sleeve for supporting a lens is always comprises a frame which is extended inside the sleeve for supporting a lens. The support for that conclusion is found in the lens barrel provided by Nakamura. For instance, in the system described in column 2 and shown in fig. 2, the barrel (6) comprises at least one frame extending transversely inside the barrel (6) and having a center indicator for supporting a lens element (5). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the combined product provided by the prior art and Adachi et al by using a lens frame having a central indicator in the form of an opening as suggested by Nakamura for supporting a lens element inside a lens barrel.

Response to Arguments

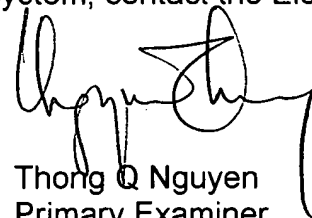
9. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

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Ex by copy
Wah
5/4/05

REPLACEMENT SHEET

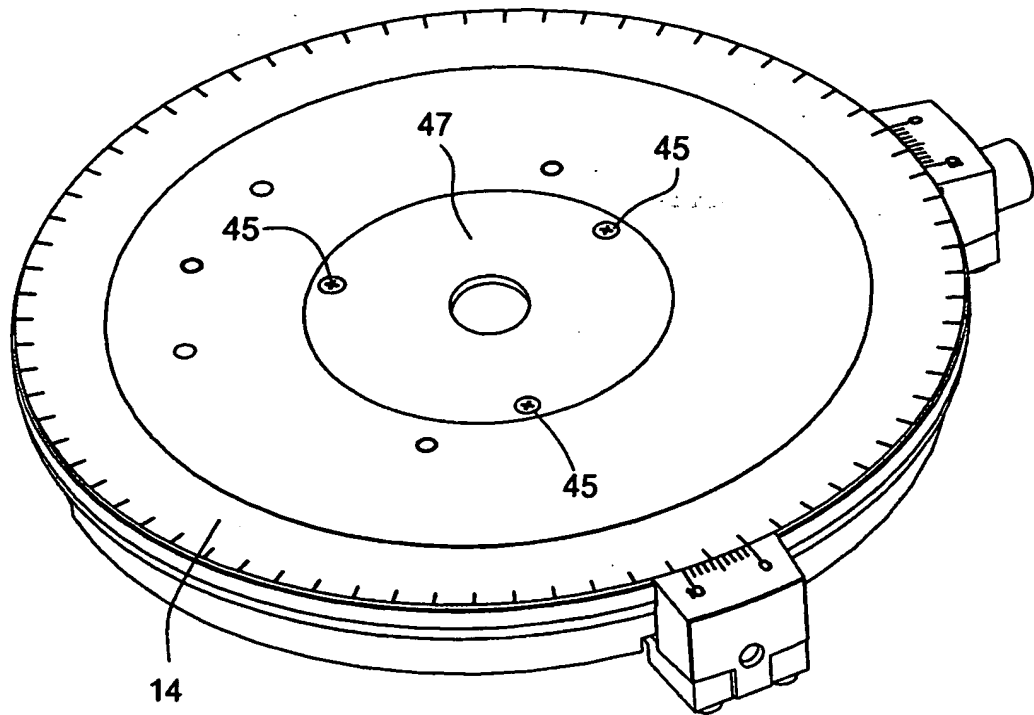


Fig. 2